
EXPLANATORY NOTE

(This note is not part of the Regulations)

The regulations contained in this instrument are made before the end of the period of 6 months beginning with the coming into force of section 63 of the Social Security Act 1998 (“the 1998 Act”) on 4th March 1999. Section 63 of the 1998 Act amended the Social Security Administration Act 1992 (“the Administration Act”) by inserting section 121A into that Act. These regulations, which are made under section 121A of the Administration Act, are therefore exempt by section 173(5)(a) of that Act from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations make provision for fees, costs and charges where an authorised officer distrains upon the goods and chattels of an individual who is in default.

Regulation 1(2) defines “authorised officer”, “close possession”, “total sum certified” and “walking possession”.

Regulation 2 provides that the fees, costs and charges which arise on or in connection with the levying of distress, or where distress has been levied, shall be ascertained from the Schedule to the Regulations. Various different actions are specified in the Schedule, and the relevant charge is given.

Regulation 3 provides for fees, costs and charges to be deducted by the authorised officer on or in connection with the levying of distress or where distress has been levied.

Regulation 4 provides for the district judge of the county court to tax fees, costs and charges that are disputed.

The costs to business of these amendments were covered in the Regulatory Impact Assessment for the Social Security Act 1998 in accordance with, and in consequence of which, these Regulations are made. That Assessment concluded that no costs would be imposed on compliant businesses as distress would only be levied on non-compliant ones. A copy of that Regulatory Impact Assessment has been placed in the libraries of both Houses of Parliament and can be obtained from the Department of Social Security, Better Regulation Unit, 3rd Floor, The Adelphi, 1–11 John Adam Street, London WC2N 6HT.